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Patent Attorneys
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Raleigh, NC 27627
919-854-1400
Facsimile 919-854-1401

FACSIMILE TRANSMISSION
COVER SHEET

Date: April 25, 2006 Attorney Docket No.: 5218-72
To: U.S. Patent and Trademark Office
Fax No.: 571-273-8300
From: Kenneth D. Sibley
Pages: 12 (including cover sheet) Return Fax to: Amelia

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In Re: Nyce
Application No: 09/543,679
Filed: April 4, 2000
Examiner: Janet Epps Ford
Confirmation No.: 1635
For: *Low Adenosine Anti-Sense Oligonucleotide, Compositions Kit & Method for Treatment of Airway Disorders Associated with Bronchoconstriction, Lung Inflammation, Allergy(ies) and Surfactant Depletion*

Attached:

Faxcover (1 page)
Submittal of Revocation of Power of Attorney and New Power of Attorney (1 page)
Revocation of Power of Attorney and New Power of Attorney (2 pages)
Assignment and Notice of Recordation of Assignment (8 pages)

Confidentiality Note:

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Attorney Docket No.: 5218-72

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: Nyce
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

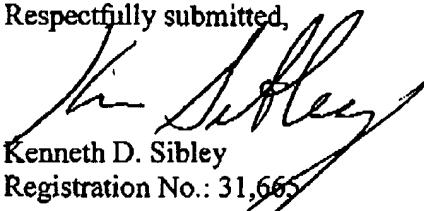
SUBMITTAL OF REVOCATION OF POWER OF ATTORNEY
AND NEW POWER OF ATTORNEY BY ASSIGNEE

Sir:

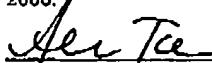
Enclosed herewith please find a Revocation of Power of Attorney and New Power of Attorney by Assignee for the above-identified patent application. Please revoke all powers of attorney previously granted with respect to this patent application and appoint the firm Myers Bigel Sibley & Sajovec, P.A. as its attorney, with full power of substitution and revocation to transact all business in the Patent and Trademark Office in connection therewith.

No fee is believed due. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to our Deposit Account No. 50-0220.

Respectfully submitted,


Kenneth D. Sibley
Registration No.: 31,665CERTIFICATION OF FACSIMILE
TRANSMISSION UNDER 37 CFR § 1.8

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office via facsimile number 571-273-8300 on April 25, 2006.


Amelia Tauchen

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec, P.A.
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401

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Attorney Docket No. 5218-72

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Jonathan Nyce
Application No.: 09/543,679
Filed: April 4, 2000

Examiner: Janet Epps Ford
Group Art Unit: 1635

For: *Low Adenosine Anti-Sense Oligonucleotide, Compositions Kit & Method for Treatment of Airway Disorders Associated with Bronchoconstriction, Lung Inflammation, Allergy(ies) and Surfactant Depletion*

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REVOCATION OF POWER OF ATTORNEY
AND NEW POWER OF ATTORNEY BY ASSIGNEE**

Sir:

Assignee hereby revokes all powers of attorney previously granted with respect to the above-identified patent application, and appoints:

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

of the firm of Myers Bigel Sibley & Sajovec as its attorney, with full power of substitution and revocation to transact all business in the Patent and Trademark Office in connection therewith.

Please direct all communications as follows:

Kenneth D. Sibley
Registration No. 31,665
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627

In re: Jonathan Nyce
Serial No.: 09/543,679
Filed: April 4, 2000
Page 2

Assignee hereby elects under 37 C.F.R. § 3.71 to prosecute this patent application. The undersigned Assignee hereby certifies that it is the assignee of the entire right, title, and interest in the patent application identified above by virtue of a chain of title from the inventor of the patent application identified above to the current assignee as shown below:

From the inventor to East Carolina University, which Assignment was recorded in the Patent and Trademark Office on April 9, 2000 at Reel 01730, Frame 0503;

The documents in the chain of title of the patent application identified above have been reviewed and, to the best of undersigned's knowledge and belief, title is in the assignee identified above. A copy of the Notice of Recordation issued by the USPTO is enclosed.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the Assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

EAST CAROLINA UNIVERSITY

Signature: 

Print Name: Steve Ballard

Title: Chancellor

Date: April 13, 2006

COPY

JUNE 26, 2000

PTAS

ARTER & HADDEN LLP
 VIVIANA AMZEL, PH.D.
 CITICORP PLAZA
 725 SOUTH FIGUEROA STREET, SUITE 3400
 LOS ANGELES, CA 90017-5434



101338775A

UNITED STATES PATENT AND TRADEMARK OFFICE
 NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 04/09/2000

REEL/FRAME: 010730/0503
NUMBER OF PAGES: 6

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:

NYCE, JONATHAN W.

DOC DATE: 06/28/1999

ASSIGNEE:

METZGER, W. JAMES

DOC DATE: 04/15/1999

ASSIGNEE:

EAST CAROLINA UNIVERSITY
 2106 SPILMAN BUILDING
 GREENVILLE, NORTH CAROLINA

27858-4353

SERIAL NUMBER: 09543679
PATENT NUMBER:FILING DATE:
ISSUE DATE:

010730/0503 PAGE 2

MAURICE CARTER, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

FORM PTO-1619A
Expires 06/30/99
OMB 0651-0027

04-28-2000

U.S. Department of Commerce
Patent and Trademark Office
PATENT

101338775

RECORDATION FORM COVER SHEET
PATENTS ONLY101338775
09/541679
04/04/00

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

Submission Type Claims priority
 New to U.S. 60/127,958
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 Document ID#
 Correction of PTO Error
 Reel # Frame #
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 Reel # Frame #

Conveyance Type
 Assignment Security Agreement
 License Change of Name
 Merger Other
 U.S. Government
 (For use ONLY by U.S. Government Agencies)
 Departmental File Secret File

Conveying Party(ies)Name (line 1) Jonathan W. Nyce Mark if additional names of conveying parties attachedExecution Date
Month Day Year
06 28 1999Name (line 2) Execution Date
Month Day Year
04 15 1999**Second Party**Name (line 1) W. James MetzgerName (line 2)

59154367

Receiving PartyName (line 1) East Carolina University Mark if additional names of receiving parties attached

If document to be recorded
is an assignment and the
receiving party is not
domiciled in the United
States, an appointment
of a domestic
representative is attached.
(Designation must be a
separate document from
Assignment.)

Name (line 2) Address (line 1) 210b Spilman BuildingAddress (line 2) Address (line 3) Greenville

City

North Carolina

27858-4353

State/Country

Zip Code

Domestic Representative Name and Address

Enter for the First Receiving Party only.

Name Viviana Amzel, Ph.D.Address (line 1) ARTER & HADDEN, LLP.Address (line 2) 725 South Figueroa Street, #3400, Los Angeles, CA 90017Address (line 3) Address (line 4)

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Mail documents to be recorded with required cover sheet(s) information to:
 Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

FORM PTO-1619B
Expires 06/00/99
DAB 0651-0027

Page 2

U.S. Department of Commerce
Patent and Trademark Office
PATENT**Correspondent Name and Address**

Area Code and Telephone Number

(213) 430-3520

Name Address (line 1) Address (line 2) Address (line 3) Address (line 4) **Pages**Enter the total number of pages of the attached conveyance document
including any attachments.

#

4 pages total

Application Number(s) or Patent Number(s)

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

Patent Application Number(s)

filed herewith	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
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 Mark if additional numbers attached

Patent Number(s)

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<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor.

Month Day Year
02/11/2000**Patent Cooperation Treaty (PCT)**

Enter PCT application number

PCT PCT PCT only if a U.S. Application Number
has not been assigned.PCT PCT PCT **Number of Properties**

Enter the total number of properties involved.

Fee AmountFee Amount for Properties Listed (37 CFR 3.41): \$

Method of Payment:

Deposit Account

 Enclosed Deposit Account

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number: #

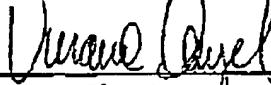
Authorization to charge additional fees:

Yes No **Statement and Signature**

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

Viviana Amzel, Ph.D.

Name of Person Signing



April 4, 2000

Signature ↓

Date

ASSIGNMENT

WHEREAS, Jonathan W. Nyce, a citizen of the United States of America, residing at 59 Sayre Drive, Princeton, New Jersey 08540, Assignor, has invented new and useful LOW ADENOSINE ANTI-SENSE OLIGONUCLEOTIDE, COMPOSITIONS, KIT & METHOD FOR TREATMENT OF AIRWAY DISORDERS ASSOCIATED WITH BRONCHOCONSTRICITION, LUNG INFLAMMATION, ALLERGY(IES) & SURFACTANT DEPLETION, for which an application for United States Letters Patent was executed by him on or about the same date as this Assignment; and

WHEREAS, Assignor believes himself to be the original, first and sole inventor of the invention disclosed and claimed in the application for Letters Patent; and

WHEREAS, East Carolina University, a constituent institution of the University of North Carolina and an educational institution chartered under the laws of the State of North Carolina, having a principal place of operation at 210 Spilman Building, Greenville, North Carolina 27858-4353, Assignee, desires to acquire by formal, recordable assignment the entire right, title and interest in and to the invention, the application, and any Letters Patent that might be granted for the invention in the United States and throughout the world;

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor hereby sells, assigns and transfers to Assignee, the entire right, title and interest in and to the invention, the application, and any Letters Patent that might be granted for the invention in the United States and throughout the world, including the right to file foreign applications directly in the name of Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties or otherwise.

Further, Assignor agrees that, upon request and without further compensation, but at no expense to Assignor, he and his legal representatives and assigns will perform all lawful acts, including the execution of papers and the giving of testimony, that might be necessary or desirable for obtaining, sustaining, reissuing or enforcing Letters Patent in the U.S. and throughout

throughout the world for the invention, and for perfecting, recording or maintaining the title of Assignee, its successors and assigns, to the invention, the application, and any Letters Patent granted for the invention in the United States and throughout the world.

Assignor represents and warrants that he has not granted and will not grant to others any rights inconsistent with the rights granted by this Assignment.

Assignor authorizes and requests the Commissioner of Patents and Trademarks of the United States and of all foreign countries to issue any Letters Patent granted for the invention, whether on the application or on any subsequently filed division, continuation, continuation-in-part or reissue application, to Assignee, its successors and assigns, as the assignee of the entire interest in the invention.

Assignor further authorizes and requests insertion below of the serial number and filing date of the application, when officially known:

Serial No. 60/127,937 Filing Date 4/9/99

IN WITNESS WHEREOF, Assignor has executed this Assignment.

Date: 6/28/99



JONATHAN W. NYCE

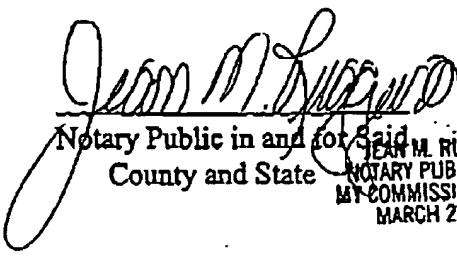
State of New Jersey)

) ss.

County of Middlesex)

On this 28 day of June, in the year of 1999, before me personally appeared JONATHAN NYCE, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged to me that he executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year of this certificate first above written.



Notary Public in and for Said JEAN M. RUGGIERO
County and State NOTARY PUBLIC OF N.J.
MARCH 27, 2001
My Commission Expires MARCH 27, 2001

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ASSIGNMENT

WHEREAS, W. James Metzger, a citizen of the United States of America, residing at 238 Windsor Road Greenville, NC 27858, Assignor, has invented new and useful LOW ADENOSINE ANTI-SENSE OLIGONUCLEOTIDE, COMPOSITIONS, KIT & METHOD FOR TREATMENT OF AIRWAY DISORDERS ASSOCIATED WITH BRONCHOCONSTRICITION, LUNG INFLAMMATION, ALLERGY(IES) & SURFACTANT DEPLETION, for which an application for United States Letters Patent was executed by him on or about the same date as this Assignment; and

WHEREAS, Assignor believes himself to be the original, first and sole inventor of the invention disclosed and claimed in the application for Letters Patent; and

WHEREAS, East Carolina University, a constituent institution of the University of North Carolina and an educational institution chartered under the laws of the State of North Carolina, having a principal place of operation at 103 Spilman Building, Greenville, North Carolina 27858-4353, Assignee, desires to acquire by formal, recordable assignment the entire right, title and interest in and to the invention, the application, and any Letters Patent that might be granted for the invention in the United States and throughout the world;

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor hereby sells, assigns and transfers to Assignee, the entire right, title and interest in and to the invention, the application, and any Letters Patent that might be granted for the invention in the United States and throughout the world, including the right to file foreign applications directly in the name of Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties or otherwise.

Further, Assignor agrees that, upon request and without further compensation, but at no expense to Assignor, he and his legal representatives and assigns will perform all lawful acts, including the execution of papers and the giving of testimony, that might be necessary or desirable for obtaining, sustaining, reissuing or enforcing Letters Patent in the United States and throughout the world for the invention, and for perfecting, recording or maintaining the title of

throughout the world for the invention, and for perfecting, recording or maintaining the title of Assignee, its successors and assigns, to the invention, the application, and any Letters Patent granted for the invention in the United States and throughout the world.

Assignor represents and warrants that he has not granted and will not grant to others any rights inconsistent with the rights granted by this Assignment.

Assignor authorizes and requests the Commissioner of Patents and Trademarks of the United States and of all foreign countries to issue any Letters Patent granted for the invention, whether on the application or on any subsequently filed division, continuation, continuation-in-part or reissue application, to Assignee, its successors and assigns, as the assignee of the entire interest in the invention.

Assignor further authorizes and requests insertion below of the serial number and filing date of the application, when officially known:

Serial No. 60/127,958 Filing Date 4/6/99

IN WITNESS WHEREOF, Assignor has executed this Assignment.

Date: 4/15/99

W. James Metzger
W. JAMES METZGER

State of North Carolina)

) ss.

County of Pitt)

On this 15 day of April, in the year of 1999, before me personally appeared W. James Metzger, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged to me that he executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year of this certificate first above written.

Roger B. Challey
Notary Public in and for Said
County and State